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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 23rd May 1957

S.R.O. 1744.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 336 of 1957, presented to the Commission on the 27th April, 1957 under section 81 of the said Act, by Shri Mubarak Mazdoor, son of late Shri Mohammad Husain Khan, resident of 95, Daira Shah Ajmal, Allahabad City calling in question the election to the House of the People from the Allahabad constituency of that House of Shri Lal Bahadur son of Shri Sharda Prasad, resident of 209, Muthiganj, Allahabad, at present Minister, for Transport and Communication, Government of India, New Delhi.

Presented to me by Shri Mubarak Mazdoor whose signature has been obtained in the margin and attested as having been signed before me this the twenty seventh day of April, one thousand nine hundred and fifty seven.

Sd./- DIN DAYAL, 27-4-57.

Under Secy.

Election Commission, India.

Sd./- MUBARAK MAZDOOR.

Attested

Sd./- DIN DAYAL, 27-4-57.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 336 OF 1957

(Under Section 81 of the Representation of the People Act, 1951).

Shri Mubarak Mazdoor, son of late Shri Mohammad Husain Khan, resident of 95, Daira Shah Ajmal, Allahabad City—*Petitioner*.

*Versus*

Shri Lal Bahadur, son of Shri Sharda Prasad, resident of 209, Muthiganj Allahabad, at present Minister for Transport and Communication, Government of India, New Delhi.—*Opposite party*.

The petitioner above-named states as follows:—

1. That the petitioner and opposite party were candidates for the election to the House of People from the Allahabad Parliamentary Constituency No. 333 in the general election held in 1957.
2. That the aforesaid constituency is a Single Member Constituency.
3. That the last date for filing nomination paper to the aforesaid election was 29-1-1957 and the date of the scrutiny was 1-2-1957.

4. That the petitioner filed his nomination paper for the aforesaid election on 28-1-1957, which was accepted on scrutiny as valid nomination paper.
5. That the last date for the withdrawal of nomination papers was 4-2-1957 and upto this time only Messrs Moti Lal Dwivedi and Niranjan Lal Bhargava withdrew their candidatures and the petitioner, the opposite party and Messrs Radhey Shyam Pathak and Bholai Singh remained the contesting candidates in field.
6. That the date of polls for the aforesaid parliamentary constituency were 25th February, and 12th March, 1957 and the counting was completed on 13-3-1957 and the result was announced the same day i.e. on 13-3-1957.
7. That though the petitioner had not either retired or withdrawn his candidature from the aforesaid election; yet on the dates of poll no ballot boxes were kept for him with the result that the petitioner was totally deprived of seeking the verdict of the electorate as to his candidature.
8. That it appears that some person misrepresenting himself to be the petitioner; presented a Retirement Form before the Returning Officer who without making any enquiry as to the identity of the person presenting the form, forwarded the said Retirement Form to the District Election Office. The Returning Officer did not even accept this Retirement Form as required under law.
9. That the petitioner had signed a retirement form and as certain political negotiations were going on he had kept it in his office; but those negotiations failed and the petitioner did not present that form. It appears that this form was, somehow, taken away and mis-used and presented before the Returning Officer by some imposter.
10. That as no notification of the retirement was published in the official gazette upto 24-2-1957 nor was the retirement published in any of the local newspapers upto 24-2-1957, the petitioner wholly remained unaware of the fraud that was committed and he continued to work and canvass in his constituency. The other requirements of law on retirement of a candidate were also not fulfilled.
11. That on the first day of poll i.e. 25th February, 1957, the petitioner came to know that his ballot boxes were not placed in the polling stations at all and therefore the petitioner made enquiry and came to know of the fraud that had been played; but it was too late and the only method was to present an election petition.
12. That the aforesaid breach of law materially affected the result of the election of the opposite party.
13. That the petitioner being totally deprived of his electoral right to put himself up before the electorate as a candidate there was in law no election at all and the whole proceedings are void.
14. That the election of opposite party is also illegal and void on account of commission of corrupt practices committed by him, his election agent, and other agents with his consent in relation to his election, amongst others on the following grounds:—
15. That the opposite party committed corrupt practice of procuring and taking the assistance of Government servants enumerated in section 123(7)(a) of the Representation of the People Act, 1951 to further the prospects of his election by himself and through his election agent and other agents with his consent. The details of the aforesaid corrupt practice committed under section 123(7) of the Representation of the People Act are given in Schedule 'A' attached to this petition which forms part of the petition.
16. That the opposite party by himself, through his election agent and other agents with his consent committed the corrupt practice of bribery as defined in section 123(1) of the Representation of the People Act, 1951 in order to influence the voters for voting for opposite party and refrain from voting for the petitioner and other candidates in the election. The details of the corrupt practices of bribery and undue influence are given in schedule 'B'(1) and B(2) attached to this petition which forms part of this petition.
17. That the opposite party committed corrupt practice of spending on his election by himself, through his election agent and other agents with his consent the amount which was far in excess of the maximum amount permitted under section 77 of the Representation of the People Act, 1951 and also did not include

these expenses in his election return at all from which it is clear that in the accounts maintained by him under section 77 of the Representation of the People Act, 1951 these expenses were not shown. The details of these expenses are given in schedule 'C' attached to this petition and which forms part of this petition.

18. That the opposite party by himself through his election agent and other agents with his consent committed corrupt practice of using the national flag on their motor vehicles on election work. The details of this corrupt practices are given in schedule 'D' attached to this petition which forms part of the petition.

19. That the opposite party (Shri Lal Bahadur) was not an elector and his name was not in the copy of the electoral roll kept on the Muthiganj Polling Station and therefore he was wrongly nominated.

20. That on the polling date on 12/3/1957 when Shri Lal Bahadur, opposite party went to the polling station to cast his vote, the polling agent of Shri Radhy Shyam Pathak objected to his being an elector and voter in that constituency as his name was struck off from the Roll. On this ground the opposite party (Shri Lal Bahadur) was not allowed to vote which indicates that he was not an elector from his residence 209, Muthigani, Allahabad as shown in the nomination paper and thus nomination of opposite party was wrongly accepted which has materially affected the result of the election.

21. That the whole procedure of the election adopted was unconstitutional being in contravention of Article 14 of the constitution.

22. That rule 5 of the Representation of the People Act, 1951 (Conduct of Elections and Election Petitions) Rules, 1956 by its proviso (A) gave an unrestricted and uncontrollable power to the Election Commission in the matter of the choice of the symbols and acting under that power, the Election Commission evolved the whole theory of recognised parties and allotment of the same symbol to them in successive elections and to all their candidates in the same election while this facility was denied to other political parties and other independent candidates. This practice further gave advantage to the candidates of the Congress party and other recognised parties in as much as their election symbol had been propagated for past 6 years while the petitioner had only 20 days time to bring in the notice of the electorate his symbol. This factor also materially affected the results of the election.

23. That free copies of electoral roll were supplied by the Election Commission to the candidates of the so called recognised parties while the petitioner had to purchase the electoral roll by paying its price.

24. That opposite party was a candidate of the Indian National Congress which was a party recognised by the Election Commission for the matter of receiving a free copy of the electoral roll.

25. That this was also discriminatory and the result of the election has been materially affected by these discriminations.

26. That the security deposit of rupees one thousand has been made in the Reserve Bank of India, at New Delhi and the challan is attached to this petition.

27. Posters were printed, distributed, utilised and circulated by and on behalf of the opposite party stating "जीना है तो वोट दो—दो बंशों की जोड़ी को ।" and just in the night preceding the 25th February 1957 the date of polling in 333 Allahabad Parliamentary Constituency and in the Assembly Constituency of Meja and Karchhana Lalla Singh of Barsalta, Tehsil Meja, district Allahabad who was an influential opponent of the Congress Candidates and the Opposite Party, was physically murdered. This resulted in preventing and disabling several thousands of voters from going to the polls, and it was an interruption and obstruction to polling and rendered it impossible to take the polls on a number of polling stations including in particular the Polling Stations located in the whole of Meja Tehsil and the peculiar circumstances which had arisen should have been considered as sufficient cause under section 57 of the Election Rule for adjourning the polls and polls should have been adjourned at least on the Polling Stations located in the whole of Meja Tehsils. This factor also materially affected the results of the Election in 333 Allahabad Parliamentary Constituency and also in the Assembly Constituency of Meja and Karchana Tehsil.

MUBARAK MAZDOOR.

## PRAYER

It is therefore most respectfully Prayed that the election of the opposite party be declared as void and re-election may kindly be ordered

That the costs of the Election Petition be granted to the petitioner.

MUBARAK MAZDOOR.

*Petitioner.*

The petitioner verifies that the contents of paragraphs nos. 21st to 26th are true to his personal knowledge, that contents of paragraphs nos 1st to 20th and 27th are based on information which the petitioner verily believes to be true

Verified this 27th day of April, 1957 at New Delhi

MUBARAK MAZDOOR.

.. *Petitioner.*

SCHEDULE NO. 'A'

Name of Government servants and persons whose Assistance was sought	Nature of work	Place of work	Time of work	Remarks
1	2	3	4	5
1. Shri Behari Lal S.I. Bara	Canvassing, distribution of cards, threatening and inducing the voters to vote for the Congress Candidate Shri Lal Bahadur.	Khinni, Pipraon, Haresonpur, Loudh Lalai Lohbre, Sarsari Nibi Takri, Sunderpur Chandra.	About 2 months prior to date of poll.	Telegram sent to the Election Commission by Shri Salig Ram Jaiswal.
2. Shr Ram Lal P. R. D. Organiser Allahabad.	Do.	Monopur, Kachare, Lalapur, Imilian	About fortnight before the date of poll.	..
3. Sukhdeo Ram Yadav, Naib Tehsildar consolidation of holdings.	Canvassing, distribution of cards, holding and addressing public meetings, canvassing on Sectarian lines, writing cards, bringing the voters to poll, threatening and inducing voters to vote for the Congress candidates Shri Lal Bahadur and Shri Mangla Prasad.	Uprora, Cheoki, Lohari Khanpur, Bari, Baghe, Barsa, Remnagar, Bhuske, Simhan, Dilhone, Katholi.	Do	Objection made against him on the polling stations, by the workers of Shri Salig Ram Jaiswal.
4. Shri Kamta Pd. Srivastava, Block Development Officer Soraon Distt. Allahabad.	Canvassing, distribution of Cards, threatening and inducing the voters to vote for the Congress candidates and particularly for Shri Lal Bahadur.	Koraon, Taraon, Sikro, Kushphara, Nathopur Dighia Candi, Kukrahta Garha, Marha, Khajuri.	25-1-1957 to 25-2-1957	..
5. Shrimati Indra Gandhi, Controller of Prime Ministers House hold.	Do. addressing public meetings, canvassing threatening and inducing the voters.	Allahabad city, whole of Maja and Karchna Tehsils	1-1-1957 to 12-3-57	..

1	2	3	4	5
6.	U. S. Dixit, Industrial Advisor Small Scale Industries Directorate, Government of India stationed at Allahabad.	Canvassing and inducing the voters to vote for the Congress Candidate Shri Lal Bahadur.	Allahabad city Maja and Kar-chana Tehsils.	I-I-1957 to 12-3-1957

The petitioner verifies that the contents of this schedule are true partly on his personal knowledge and partly on information received from his workers and agents which he verily believes to be true.

Verified on 27-4-1957 at New Delhi

MUBARAK MAZDOR,

Petitioner

SCHEDULE No. B(1)

This schedule gives the detailed list of the excessive *Takavi* Loans distributed by the District Magistrate, Allahabad S.D.O., Tehsildars, Naib Tahsildars and Patwaries, as Bribes to influential men in the constituency No. 333 Allahabad Parliamentary Constituency, to induce through them the Electorate to vote for Shri Lal Bahadur and Munshi Mangala Prasad, the congress Nominees.

Name of the persons to whom excessive <i>Takavi</i> Loans were given	Amount of the <i>Takavi</i> Loan given	Village to which the persons belong who have received the loan
1	2	3
	Rs.	
1. Vishwa Nath Singh	500 0 0	Uprora
2. Ram Swarup Singh	500 0 0	Do.
3. Bal Bodh Tewari	500 0 0	Do.
4. Shri Nath Tewari	800 0 0	Do.
5. Basdeo Singh Yadav	1000 0 0	Do.
6. Sarju Prasad Pande	1500 0 0	Bari
7. Ram Kripal Upadhya	600 0 0	Handhwa
8. Bedri Pd. Pandia	100 0 0	Cheoki
9. Ganga Prasad Tewari	400 0 0	Uprora.

Plus Rs. 100/-

The petitioner verifies that the contents of this schedule are true partly on his personal knowledge and partly on information received from his workers and agents which he verily believes to be true.

Verified on 27-4-57 at New Delhi.

MUBARAK MAZDOOR,

Petitioner.

SCHEDULE NO. 'B (2)'

This Schedule gives the detailed list of the District Board cases withdrawn by Shri Sheo Murti Singh, President, District, Board, Allahabad and also the President of the District Congress Committee, Allahabad to bribe and induce the voters to vote to the Congress Nominee Shri Lal Bahadur in 333, Allahabad Parliamentary Constituency.

Case No.	Name of persons whose cases were withdrawn	Address and village of persons whose cases were withdrawn	Police Stations	Date of decision
1	2	3	4	5
1. 181	Ishwar Din . . . . .	Chilbila	Maja	8-11-1956
2. 297	Sant Ram . . . . .	Bhore Di	Koraon	20-11-1956
3. 309	Badai . . . . .	Meja Road	Meja	20-12-1956
4. 309	Rahim Bux . . . . .	Gadu Rahi	Meja	27-12-1956
5. 41	Raj Deo . . . . .	Bhatauti	Meja	30-1-1957
6. 42	Ram Bharos . . . . .	Bhatauti	Meja	10-1-1957
7. 43	Mauli . . . . .	Bhatauti	Meja	10-1-1957
8. 64	Ram Chandra . . . . .	Puwari	Kheri	11-1-1957
9. 86	Meta Sewak . . . . .	Nibe	Meja	31-1-1957
10. 39	Bhagwati Prasad . . . . .	Ramnagar	Meja	31-1-1957
11. 88	Ram Abhilak . . . . .	Lakthe	Meja	31-1-1957
12. 105	Mahadeo . . . . .	Meja	Meja	27-2-1957

The petitioner verifies that the contents of this schedule are true partly on his personal knowledge and partly on information received from his workers and agents which he verily believes to be true.

Verified on 27-4-1957 at New Delhi.

MUBARAK MAZDOOR,  
Petitioner.

## SCHEDULE 'C'

Amount of expense not shown in the Accounts of the Election returns submitted by the Opposite Party	For what purpose spent	Time of Expenditure	Place of Expenditure	Remarks
1. Amount not known. The real expenses run into thousands of rupees.	Public meetings held on behalf of the opposite party to appeal for votes and were addressed by the following :—			
	1. Smt. Indra Gandhi 2. Sri Lal Bahadur Shastri 3. Sri Dhebar Bhai 4. Sri Govind Ballav Pant 5. Sri Jagjivan Ram 6. Sri Morarji Desai	Between Jan. 30, 1957 and March 12, 1957	Within the jurisdiction of 333, Allahabad Parliamentary Constituency, in the city of Allahabad and Tehsils of Meja and Karchana.	
	7. Sri Jawahar Lal Nehru	Feb. 20, 1957	URVA in Meja Tehsil and Rampur in Karchana Tehsil.	
2. Amount not known. The real expenses run into thousands of rupees.	Travelling expenses of all the above named seven persons who came to canvas and make public speeches for the opposite party for the appeal of votes.	Not known	Actual places not known but between Allahabad and the stations of origin where from they came and the stations of destination to which they left from Allahabad.	

The petitioner verifies that the contents of this schedule are true partly on his personal knowledge and partly on information received from his workers and agents which he verily believes to be true.

Verified on 27-4-57 at New Delhi.

MUBARAK MAZDOOR,  
Petitioner.



SCHEDULE No 'D'

This Schedule shows where the National Flags were flown by workers, supporters, and himself by Shri Lal Bahadur. National Flags were freely used by Agents, Workers, and Supporters of Shri Lal Bahadur with his Consent in furtherance of his election and to influence the electorate to vote for him :

Place where national flags were used	Time	Occasion	Manner of use	By whom	Remarks
1	2	3	4	5	6
1. Kurwa : Bharatganj : Ramnagar, Sirsa and Korcon All in Meja Tehsil : and Shankergarh	Between 20th Jan. to 24th Feb. 1957	Canvassing public meeting and visits	Flying on cars, Flying in public meetings and canvassing.	1. Shri Jawahar Lal Nehru 2. Shri Lal Bahadur Shastri. 3. Shrimati Indra Gardhi. 4. Munshi Mangla Pd. 5. Dhebar Bhai. 6. Morarji Desai Esq. and all congress workers, canvassers and workers of Lal Bahadur Esq. and Munshi Mangla Pd. 7 M/s. U. S. Dixit, Kude- shia and Bhargava M. P.	
2. Jari, Bara, Lolgre and Shankargarh all in tehsil Karchana.					
3. City of Allahabad	From 28th Jan. to 12 March, 1957				

The petitioner verifies that the contents of this schedule are true partly on his personal knowledge and partly on information received from his workers and agents which he verily believes to be true.

Verified on 2-7-1957 at New Delhi.

MUBARAK MAZDOOR,  
Petitioner.

[No. 82/336/57].  
By Order,  
DIN DAYAL, Under Secy.

